

University of Montana

ScholarWorks at University of Montana

Montana Kaimin, 1898-present

Associated Students of the University of
Montana (ASUM)

2-29-1912

The Weekly Kaimin, February 29, 1912

University Press Club of the University of Montana

Follow this and additional works at: <https://scholarworks.umt.edu/studentnewspaper>

Let us know how access to this document benefits you.

Recommended Citation

University Press Club of the University of Montana, "The Weekly Kaimin, February 29, 1912" (1912).

Montana Kaimin, 1898-present. 150.

<https://scholarworks.umt.edu/studentnewspaper/150>

This Newspaper is brought to you for free and open access by the Associated Students of the University of Montana (ASUM) at ScholarWorks at University of Montana. It has been accepted for inclusion in Montana Kaimin, 1898-present by an authorized administrator of ScholarWorks at University of Montana. For more information, please contact scholarworks@mso.umt.edu.

LAW STUDENTS' EDITION THE WEEKLY KAIMIN

VOL. VII.

UNIVERSITY OF MONTANA, MISSOULA, FEBRUARY 29, 1912.

NO. 5

HISTORY OF THE LAW SCHOOL

Steps Which Led to the Establishment of the Department by the Legislative Assembly of the State of Montana

The preliminary history of the establishment of the Law Department of the University of Montana reveals a long, hard struggle against an apparently well-settled conviction that the state was as yet unable to support an institution of this kind in connection with the State University. During President Craig's administration there were frequent discussions with the State Board of Education looking to the establishment of a Law School. With the installation of Dr. Duniway in the chair of the chief executive, we may see the beginning of a determined campaign for the establishment of this very necessary department. On page 13 of the President's Report for 1907-1908, under the heading of New Departments, we find this very succinct statement of the needs of the state in this regard: "The number of young men within the state who desire to become lawyers, and who may be expected to become legislators and public officials, but who have no opportunity within a thousand miles for special training in this field, indicates that the state ought not to permit the neglect of this department to continue."

Succeeding years and succeeding reports brought the constantly-increasing need for a Law School all the more forcibly to the attention of the legislature and of the people of the state at large. In the school year of 1910-1911 the first step in the direction of the much-needed move was taken in the carrying out of a program of more or less popular lectures in elementary law. Many of the most prominent jurists and lawyers of the state aided in the successful carrying out of this program, and the result was to show the imperative need for the immediate establishment of a school wherein thorough and scientific training in law could be obtained.

In the President's Report for that year, 1910-1911, we find the following, page 12: "A Department of Law is urgently needed to satisfy a demand which makes itself felt by the numerous inquiries coming to my office from prospective students. The proposal to provide professional instruction in law is indorsed by large numbers of practicing lawyers in all sections of the state." It will be seen from this quotation that the demand for the establishment of a Law School was becoming not only insistent, but imperative, and that all interests throughout the state were coming to appreciate its need. In the same report the President gave an estimate of the amount of money that would probably be needed to successfully launch the project and carry it through the first two years of its existence.

Apparently, however, the financial problem involved was the only one seriously interfering with the immediate establishment of the school. For when at about this time Mrs. W. W. Dixon made her very generous offer to present to the Law School the well-known Dixon Law Library, and sufficient funds to bring the sets down to date and complete their working efficiency, the apparent difficulties seemed to be almost immediately dissipated. Too much credit cannot be given to Mrs. Dixon by the people of the State of Montana for her very noble and generous action in thus making possible the advancement of the cause of higher education, and affording educational advantages where in many cases they would have been otherwise absolutely unavailable.

It was at this stage of the game that the State Board of Education felt justified in recommending the establishment of the Law School to the discretion of the State Legislature. Progress from then on was rapid. A bill was introduced in the legislature by Mr. Ronald Higgins, one of Montana's native sons, who had been forced to go to an eastern school to acquire his legal education, providing for the creation of a Law Department at the Uni-

versity. The bill went through with no serious opposition, and on Charter Day, February 17, 1911, the anniversary of the establishment of the University, the following telegram was received at the University announcing the birth of the new College:

"Helena, Montana, February 17, 1911.
"Dr. C. A. Duniway, Missoula, Mont.
"The Governor has signed house bill ninety-six creating a Law Department at the University."

"EDWARD DONLAN,
"DANIEL O'HERN,
"W. W. BERRY,
"RONALD HIGGINS."

This marked the end of the long, hard struggle, the successful culmination of which redounds with the greatest credit to everyone in any way concerned, and will, no doubt, result in untold advantages to the people of the State of Montana. All of the succeeding summer was expended in the selection of a proper faculty for the new school, and the corps of men, including the names of Judge John B. Clayberg, A. B., LL. B., as honorary dean; Professor Henry W. Ballantine, A. B., A. M., LL. B., as acting dean and professor of law; and Professor Albert N. Whitlock, A. B., A. M., LL. B., as assistant professor of law, make up a group of men most admirably capable of maintaining the new Law School on the basis of a "Standard Law School."

The history of the present in the Law School is in the making, and can be best told by reference to other columns of this edition.

YOUR PETITIONERS

The students of the law college of the University of Montana present this "Law Edition of the Weekly Kaimin" to the university and its friends and to the legal fraternity of the state in the hope that it will convey to them some idea of the kind of institution which Montana's College of Law is and of the character of the men who make up the faculty and the student body of this infant institution of big possibilities. These pages, we hope, will truthfully reflect the nature of the college and of those who compose it.

It was with no little trepidation that the students of the law college undertook the publication of a special edition on behalf of their department. The idea was conceived several months ago, and it has been the plan of the students as it was their original idea to make their paper truly representative of their school in all its phases. With some degree of pride, therefore, we offer this publication and commend it to the kind consideration of those who receive copies.

LICENSES

Carl Gluch has been granted a license to conduct a buffet in the cellar of the Y. M. C. A. house.

Robert Cary, P. D., has been licensed to conduct a milk route in Missoula.

The license of the A. S. U. M. to conduct a skating rink has been granted. It is conceded that the A. S. U. M. was entitled to a license, but where did it get the gall?

A. N. Whitlock has been granted a license to conduct a correspondence bureau. Mr. Whitlock will specialize in the matrimonial field.

Twenty-five lawyers are engaged in the defense of the sugar trust in New Jersey. No wonder the price of sugar has gone up!

FACULTY OF THE LAW SCHOOL

Department is Singularly Favored With Men Well Grounded in Profession They Essay to Teach in the University

One of the necessary requirements for a new Law School, and probably the most necessary, is that it should have a faculty consisting of men zealous and eager to make successes of their proteges. In this essential, the Law School of the University of Montana has been singularly favored. Its faculty consists of three men, well grounded in their profession, men who are sparing neither time, labor or convenience, to build and construct out of this small beginning a great Law School and one which will be the pride and a boast of this great state.

In its selection for dean, the State Board of Education could hardly have chosen a man better fitted for this difficult position than Judge John B. Clayberg, dean emeritus. This appointment came as a splendid recognition of his ability and the service he has given to the law in his thirty-seven years of active practice, twenty-eight of which were spent in practicing before the Montana bar.

His Life Story.

Mr. Clayberg was born near Cuba, Fulton County, Illinois, in 1853. He entered the Law Department of the University of Michigan and was graduated with the class of '75. During his last year of College life he was given the privilege of aiding the distinguished jurist, Judge T. M. Cooley, then at the head of the Law Department, in the compilation of his well-known works on taxation, torts and other technical subjects in the field of

jurisprudence. The following seven years were spent in practicing law in various cities in Michigan, and in 1884 he came with a friend to Helena, Montana. He has practiced law in this state since that date, and numbers among his former partners some of the most distinguished members of the Montana bar, among them being the late Senator Thomas H. Carter and Judge N. W. McConnell. His practice, extending in all the courts of the state, both state and federal, has given him a comprehensive knowledge of the law peculiar to this state, a knowledge which will aid him greatly in imparting to the young aspirants of the bar an understanding of the peculiarities which they will meet in the law of this jurisdiction.

Recognition in Mining Law.

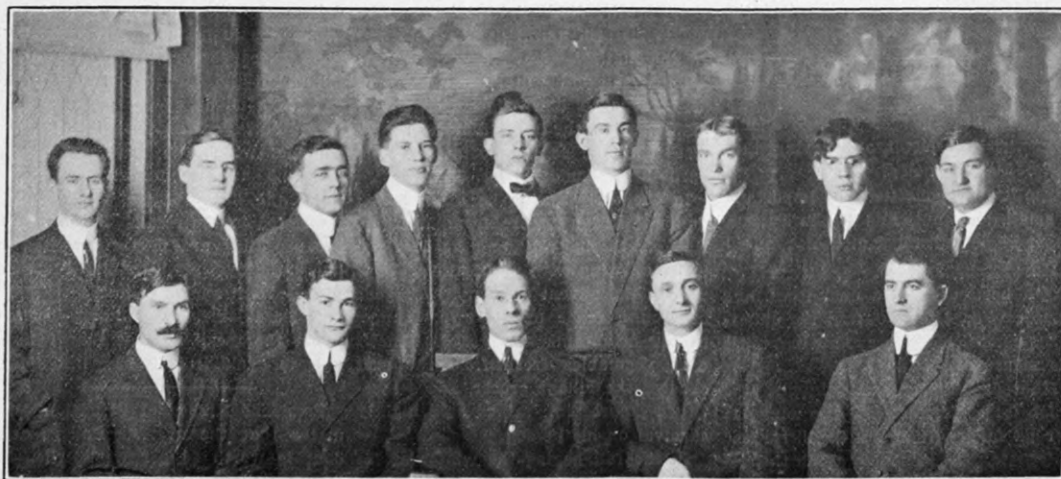
Mr. Clayberg's intimate knowledge of mining law acquired during his long practice in this state, has won for him nation-wide recognition as an authority on this extremely technical subject. He was one of the leading counsel in the great litigation struggle for control of the copper industry in this state, lasting for over seven years, and deciding probably the greatest mining suit on record, involving millions. His recognition as an authority on mining law comes not only from his Alma Mater, the University of Michigan, where he has lectured on mining law and the law of waters for the past twenty-one years, but from Columbia University, where he has filled a similar position. Mr. Clayberg was also counsel in the famous Davis will case of Butte, being arrayed with such eminent counsel as Robert G. Ingersoll and Nathaniel Myers.

Although Dean Clayberg has had but few months of active work in the Law Department, his efforts are already easily discernible in the advancement which this department is making. The department, through his initiative, has already become an aid to the lawyers of the state, in that the decisions of the Supreme Court are now abstracted and distributed by the students to the Montana bar several weeks in advance of the regular advance sheets of the reporter system.

The greatest and less conspicuous work has fallen, however, upon the other two members of the faculty, Acting Dean Henry W. Ballantine and Professor A. Newton Whitlock. To these men has fallen the burden of actually commencing the work of the department, and the many initial difficulties have been theirs to solve.

Dean Ballantine.

Professor Henry W. Ballantine was born in Oberlin, Ohio, in 1880. His Freshman year in College was spent at Oberlin, his Sophomore year at Amherst College and the two remaining years of his undergraduate course he took at Harvard University. While at Harvard he was actively interested in debating and rowing. He is a member of the Amherst chapter of the Delta Kappa Epsilon fraternity. After graduation from College, Professor Ballantine spent a year in Northern Mexico, but returned to Harvard to take the three-year law course, where he was graduated with honors in 1904. After being admitted to the bar in the same year, he practiced for seven years in San Francisco, being a member of the law firm of Hewlett, Bancroft and Ballantine. Professor Ballantine came to Montana not only with a keen knowledge of the practical application of the law, but also with a reputation won as a professor, having been actively connected with the Hastings College of the Law in San Francisco, and with the Department of Jurisprudence at the University of California, at Berkeley. While in San Francisco he contributed a splendid article on "Contracts" to Borchardt's Commercial Laws of the World. His wide knowl-



THE LAW "BUNCH"

Standing, from left to right—D. C. Warren, A. W. O'Rourke, E. P. Kelly, La Rue Smith, Coburn Maddox, C. E. Cameron, Ray Wiedman, E. G. Smith, P. L. Dornb'aser.
Sitting, from left to right—A. B. Hoblitt, R. J. Miller, Dean H. W. Ballantine, Prof. A. N. Whitlock, B. R. Cole.

REMARKABLE GROWTH OF LAW SCHOOL DURING EIGHT YEARS

Special Correspondence.

Missoula, February 29, 1912.

The Law students of the University of Montana issued the eighth annual "Law Edition of the Kaimin" today. It is an issue of 24 pages, profusely illustrated and excellently printed, and demonstrates that the Law School is still maintaining the lead in student affairs at the University which it has had from the time of its establishment. Stacks of the "law journal," as the students designate the sheet, are being sold on the campus by impromptu newsboys. Engineers, medical students, theological students, letters and science men, and faculty members all agree that this year's law number of the Kaimin is far and away the best annual journalistic feature which has ever been produced at the University, not excepting any of the publications issued by the other Colleges of the University, of which there have been a few.

In accordance with the custom

started on the occasion of the publication of the first annual edition of the Montana Law College on February 29, during the first year of the Law School's existence, none of the students are attending classes today. The students declared, at a meeting held last evening in the new big Daly Memorial gymnasium, that today should be an unofficial holiday and all pledged themselves not to attend classes. Consequently, the 250 faculty members of the University are waiting at their class desks in vain this morning for the students to come to them for recitations.

A committee named at last evening's meeting has arranged a program for this afternoon and evening, which includes a barbecue on the Conrad Athletic field, a dance in Woman's Hall, a mass meeting in the Clark Law College building, and a banquet in the old Craig Hall.

The mass meeting in the Clark Law building is planned in connection with

the publication of the law journal. R. Justin Miller, one of the instructors in the Law College, who graduated with the first class from the Montana College of Law, and who helped in the publication of the first annual law edition of the Kaimin, will deliver an address. It is expected that almost all of the 2,500 students who are attending the University will participate in today's festivities, and arrangements are being made to feed all of them in Craig Hall, the old four-story building, which is now used as a University dining room or restaurant.

Among the feature articles in the law journal issued today is one reviewing the establishment and growth of the Law College, with which is printed a picture of the old main hall building where the original Law College was located in an attic wing. Another picture portrays the interior of the first library and the class

(Continued on Page Five.)

(Continued on Page Five.)

The Weekly Kaimin

Published every week by the University Press Club of the University of Montana.

LAW STUDENTS' EDITION STAFF.

EDITOR IN CHIEF

LA RUE SMITH.....'14

ASSOCIATE EDITORS

R. JUSTIN MILLER.....'13

E. PATRICK KELLY.....'14

SOCIETY EDITOR

COBURN MADDOX.....'14

NEWS EDITOR

ARTHUR O'ROURKE.....'14

SUPERVISOR OF INSANITY

B. R. COLE.....'13

Reporters

Faul Dornblaser.....'14

Ray Wiedman.....'14

A. B. Hobbitt.....'13

Eddie Corbin.....Special

E. G. Smith.....'14

BUSINESS MANAGER

J. C. HAINES.....'14

FLOYD HALFORD.....Asst. Bus. Mgr.

Advertising Managers.

EDWIN J. STANLEY G. O. BAXTER

WALTER CONWAY

Geo. Armitage, '14.....Subscription Mgr.

Circulation Managers

F. D. Richter, '15 H. T. Allison, '13

Entered as second class mail matter at Missoula, Montana, under act of congress of March 3, 1879.

THURSDAY, FEBRUARY 29, 1912.

CALENDAR.

February 29—Law students' edition of the Kaimin.

March 8—Mines vs. Montana Basketball in Missoula; also dance and reception in gym.

March 16—A. S. U. M., St. Patrick's day dance.

March 17—St. Patrick's day.

March 18—Annual tug-of-war, the Freshmen vs. Sophomores.

March 22—A. S. U. M. dance.

March 29—University play.

THE BEST SORT.

I work at making money,
That I may live and share,
My portion of life's honey,
My need of sun and air;
Law is my occupation,
And best of all I do,
Is this—my avocation,
Of making love to Prue.

When "Contracts" make me weary,
When "Titles" make me doze,
When "Torts" seem dull and dreary
And life is deadly prose,
I bring it back to meter,
And verse that dances, too,
By labors lighter, sweeter,
In making love to Prue.

No legal luminary,
Is keener than this maid,
Her methods shift and vary,
Her game is shrewdly played.
"Non-suited" when beginning,
My case looked very blue;
But now I think I'm winning
At making love to Prue.

—BERTON BRALEY.

The "Amerika Institut" has recently been founded in Berlin by the German government, with Professor Hugo Munsterberg, Harvard exchange professor, as its first director. Its object is systematically to further cultural relations between Germany and the United States. Political and commercial affairs lie outside of its realm, but anything which refers to education and scholarship, to literature and art, to technique and social welfare, to travel and public interests, to peace and international understanding will be the object of its efforts. The services of the staff will be at the disposal of American institutions, scholars and students, and efforts will be made to bring them into convenient contact with German universities, libraries, laboratories and hospitals. The "Institut" may be addressed at the Royal Library building in Berlin.

In order to bring the various departments of the university closer together, Western Reserve University has adopted an official watch fob. It is a combination of the school letters, class numerals and the department name.

Alpha Kappa Chi, an honorary business fraternity, has been established at the University of Illinois, and is intended to bear to students in the business courses the same relation that Phi Beta Kappa does to those enrolled in literature and arts.



CHOSEN PEOPLE.

Law is a distinctive profession. Its traditions and standards make it one of the noblest callings in life. It demands of its postulants high purposes, healthy morals and broad intellectuality; and to those who fulfill its requirements it gives all that is best in life. The law college bears the same relation to the university community as the profession does to the larger life of the world. It is a distinctive school of distinctive men, who have made the same high aspirations and pure standards as the profession at large. The young men we like to call them fellows—of the law school are wide-awake, energetic, active. They are taking the leadership in University affairs. Young though the college is they are already building up the traditions which make future students at Montana's Law College proud of their college, proud of its founders and proud of those who formed its initial personnel.

Among the students of law at Montana there exists an esprit de corps which exists among the students of no other department of the University which does much to make them a distinctive set. They are a loyal group, devoted to their college and its faculty, enthusiastic about the study of law and keen about the things which make existence worth while. It is a group of young men, lawyers-to-be, to confute with, for they are capable of great things. Time, the eager-hasting wrecker, may dim the fires of their young enthusiasm, disintegrate the pillars of their youthful idealism, tarnish the golden glory of treasured dreams, stifle ambition with the gray dust of disappointment, mock at earnest effort with long delay and sneer at success with rewards withheld, but it cannot dissipate their reverence for their calling, it cannot destroy their loyalty to their alma mater, it cannot obliterate their faith in the ideals of justice which are being inculcated at the law college of the University of Montana.

AS OTHERS MIGHT SEE US.

What is the lawyer that he should hypnotize himself into believing that he is the big noise?

The lawyer, conceited and important, is small doughnuts and few in a tissue paper baglet, all for a nickel.

He springs up today and flourishes like a bootlegger in a dust town, and tomorrow or, the day after, the undertaker comes with his tapeline and takes his measure.

He weds, mayhap, a wealthy girl with a job lot of freckles and the next day her pa falls with many liabilities and no assets, and comes to abide thenceforth with his startled son-in-law.

He makes much ado at the front door of the house while the world gazes on admiringly, while at the back door his wife, armed with broom and poker, stands off the furniture man and the grocer's collector.

The cellar door of life is for him full of pestiferous splinters, but he slides down it with utter disregard of the speed limit. In the midst of life he runs into debt, but he crawls out at a snail's pace—if at all.

He goes forth in the early morning to conquer the world, but the world refuses to be conquered, and so he comes home in the afternoon in an ambulance.

He prepares for his profession by reading Blackstone and other truck, and compiling cases for his keep in the back office of some brass-plate firm of established reputation, or else he enters a Law School and learns it all in three years.

He rubs his nose in the dust of dead centuries accumulated between the moth-eaten, age-worn leaves of musty volumes piled on the shabby shelves of some dingy law office and then he imagines the dust on his nose

is real earthenware of the twentieth century, and he labels himself a progressive and talks about "modern ideas."

The dead arm of the past, extending from the shoulder of the "time when the memory of man runneth not to the contrary," holds him fast by the coat-tail, but he seizes the banner of leadership in politics and calling "forward march" bids the world follow him, and he makes motions like unto a man walking ahead, but moves not forward.

He cites precedent on his side of the case when precedent favors his side of the case, and he scouts precedent and pleads a consideration of equity and justice when precedent is unfavorable to his contention.

He runs for office, preferably county attorney, to get himself before the people, and he pats the public on the back during the campaign and afterward squeezes the voter who comes to him with a case for his last cent.

He sits up until 3 a. m. to hear the election returns from the back townships, and learns in the end that the other fellow has copped his bet.

He labors long and late at the cases and has a fine array of authorities and a beautiful brief prepared to go into court next day, and next day the court flaunts his authorities in his face, knocks the underpinning out of his brief and hands the decision to the other fellow.

He remains late at the office chasing a legal proposition to its lair, then goes home to encounter a rocking chair in the dimly-lighted hall. The rocker rises in its might and puts him on the mat.

He invests in a watch dog, and when he returns to his wigwam after a night session, the dog refuses to recognize him, and so he roosts in a tree until the milkman comes.

In the early spring he discards his flannels, and a breeze from Medicine Hat comes his way and he is filled to overflowing with rheumatism.

With the advent of summer he goes off "on a frolic of his own," camps in the mountains and gorges himself with vegetables fresh from the rust cans of the village grocer, and a multitude of creeping things hold nightly carnival on his person.

In the fall begins the winter of his discontent, the perennial trial of his existence. The furnace camps on his trail and he is filled with wood, soot, ashes and profanity.

He transfers a mammoth potted palm from the front porch to the cellar. He goes down the steps in advance with considerable suddenness and the palm follows quickly and sits upon his person triumphantly.

When he is born, his parents point with pride to his budding bump of knowledge and predict that he will be president some day; as he grows older they tell him he will make a bright lawyer, and he is deluded with the idea that he has brains and forensic ability and gets up before all the school and with ridiculous attempt at impressiveness speaks a verse with a noble sentiment like the following: "Lettuce Denby upon Dewing, Widow Hart fer eny fate, Still H-e-veing, still pursueing, learn to label Aunty Wate," and sits down in sweet, childish confusion, while enthusiastic schoolmates applaud, the teacher compliments and the parents praise.

He grows from a precocious youngster into a balloon-headed man and enters College and the Law School

SAVE YOUR SHOE MONEY
The chance to save your shoe money by spending it. Attend the great shoe sale now going on at this store.
\$3.50 and \$4.00 Shoes at \$2.95
\$4.50 and \$5.00 shoes at \$3.45
SCHLOSSBERG'S

FOR A CUP OF GOOD COFFEE AND QUICK LUNCH GO TO
The Coffee Parlor

with the idea that he is going to be a second Abraham Lincoln. Before he is graduated he thinks the whole world is waiting breathlessly for his advent, and after he is graduated he falls without so much as a splash or the causation of a ripple into the bottomless sea of obscurity and at the age of fifty, considers himself successful if he has a collection business and a justice court calendar of three cases with funds enough to keep up a \$2.00 life insurance policy, and to buy a plug of Peper Heidsieck twice a week.

And this is the lawyer man, whose remaining consolation is that the law is at least a noble profession.

THANKS!

To Mr. D. D. Richards, editor of the Weekly Kaimin, the law students wish to extend their sincerest thanks for his kindly assistance in the work of producing the law edition of the Kaimin. Mr. Richards has spared neither time nor effort to help make the law edition of the Kaimin a success, and the law students are glad to take this opportunity of thanking him publicly, as they will privately, for his generous aid.

Some of you fellows who have never had a million dollars like us editors do not know, cannot even imagine, of course, what a big pile it is. We will put you on. When you have a million one-dollar bills piled one on top of the other, you will have to reach up 268 feet to take off the top dollar. If you have them end to end, you would have to walk 11 miles to roll them up. If you have them in silver dollars, the pile would be one and one-half miles high and a few feet. We know, because we tried it the other night, but the darned bed slats broke and woke us up.

Montana's coming political leaders, some of which the law students of Montana are whom, who expect to guide the hip of State, etc., are not interested in the recall. Perhaps it is because they are more interested in how to get somewhere in the first place. With apologies to Miller, Kelly and Dornblaser, who have learned about the recall so that they will be able to avoid it if it happens.

President Hibben of Princeton estimates that the average College student is worth \$6 per week when he leaves College. Oh, well, these College presidents always were high in their estimates, so that isn't to be taken seriously.

The mountains in the moon have been measured and topographically plotted. We are assured that it would now be safe to make them the objective of one of those Sunday walking trips.

Fame is a wheel spoked with many surprises.

Oh, you judicial temperament, what wabbling is done in thy name!

THE SMOKE HOUSE
MASONIC TEMPLE F. H. KNISLEY, Proprietor
CIGARS, TOBACCOS, BILLIARDS AND POCKET BILLIARDS.
Lowney's Chocolates. Pipe Hospital in Connection

The most convenient as well as economical for spreads is the electric table stove.
MISSOULA LIGHT & WATER COMPANY.

Roses Sweet Peas
Carnations
Missoula Nursery Company
Potted Plants

Vienna Cafe
Next to Grand Theater, on Main St
For a Good Meal
We Excel
PRICES REASONABLE
Try our famous coffee. Open day and night.
Phil Kenny, Prop.

Chas. McCafferty P. C. Boling
The Peerless
POOL AND BILLIARDS
Union Block East Main St.

ISIS
The Musical Photoplay Theater
We show pictures that parents can take their children to see; pictures children can take their parents to see, and pictures your friends and neighbors can come to see.
THE ISIS
The King

We Give Rates
The Pantorium
Cleaning, Pressing and Repairing.
SUITS TO ORDER
Both Phones.

Mr. MIKE SINIS
Does the best shoe repairing in city. Work guaranteed. Shoe shining parlor in connection.
507 North Higgins Ave.

Ward Studio
335 HIGGINS AVE.

Missoula Art Co.
Artistic Photographers
NEXT TO BRIDGE.

STUDENTS' DICTIONARY

CRIMES, CONTRACTS, TORTS, ETC.,
DEFINED FOR BENEFIT OF
UNIVERSITY STUDENTS.

Suit—An action on bended knee called "throwing yourself away on someone." Bob Cary tells a good one about "pressing his suit."

Non-Suit—The Everlasting Nay.

Tort—When she cuts you cold on the campus. (A retort is when you take out some other girl just to show her she's not the only pickle in the vinegar).

Property—For most students this is summed up in an assortment of three neckties, two pairs of socks and the white collar which they save for state occasions like A. S. U. M. dances. For some other students this word signifies the girl who can't get anyone else to go with.

Crimes—Walking across the campus grass. Perpetrating daffy-dils (capital punishment for this by suspension of the breath). Asking Miss Stewart to go out on week nights. Bluffing is a crime in the law department, but elsewhere in the University it is considered a virtue. Beating J. B.'s system of keeping the "con" attendance records. Volunteering information when you're the only one in class that has your lesson. Holding school on February 29. Assigning lessons for Monday morning. Charging 50 cents for A. S. U. M. dances.

Equity—Letting the other fellow take her out on Tuesday evenings.

Agency—Getting her sorority sister to find out if she has a date or not.

Contracts—Things which are made to be broken so as to furnish business to the lawyers.

Evidence—A long hair and a smear of powder on a student's overcoat.

Public Nuisances—The conversation-alist who always starts out by remarking that the "weather is rotten."

Public Nuisances—The free-lance guy who is always taking out somebody else's steady.

Verdict—"Your presence at the university is no longer required"—line taken from a faculty notice to a delinquent student.

Bailment—Letting her wear your frat pin. Sometimes this is a dead give-away, though.

Bankruptcy—Financial status of all students.

Bills of Exchange—Pawnshop tickets.

Common Carriers—Students who own automobiles and are given to sporting them on the campus.

Deceit—"No, sir, I have a date for that evening but—I'm—awfully, awfully sorry."

False Imprisonment—Keeping the class over the hour.

Fixtures—Professor Scheuch's cigarette; J. B.'s fedora; law students hanging over the sill of the law library windows.

Gifts—Lending any student any amount.

Guardianship—The right to carry books home from the library at 9:30 o'clock. This is the same as knight service.

Joint-Tenancy—Pre-empting the parlor with the piano in it.

Manslaughter—A slap on the wrist.

Mutuum—Yum! Yum!

Oath—Darn it.

Privileged Communications—Any gossip.

Public Enemies—The librarians. The dean. The president. Pete Hansen. Books.

Meanwhile we are wondering how the University of Montana ever managed to struggle along through all these past years without a Law School.

MONTANA'S NEW LAW COLLEGE---THE NEED WHICH BROUGHT IT INTO EXISTENCE AND THE ADVANTAGES WHICH IT OFFERS

Eastern Lawyers With College Training Predominate in Montana Because of Past Lack of Opportunity for Montana Men to Study Law at Home--- School will Attempt to be of Service to the Profession.

(By Professor A. N. Whitlock.)

It would seem quite unnecessary to put forth any argument to convince the reader of the existence in our state of that particular need recently satisfied, at least in part, by the establishment of the State Law School as a department of the University of Montana.

It would be indeed difficult to find anywhere else in the United States so large an area without finding located there in at least three or four institutions for legal education.

It is rather surprising that Montana has hesitated so long to fall into line in this regard. In a state of such size, so rich in natural resources and inhabited by such enterprising and progressive people, one would naturally expect to find institutions reflecting such progress and enterprise. The fact is that until the beginning of the present year there was no Law School in Montana, nor was there any located at a convenient distance in any of the adjoining states.

Past Lack of Opportunity.

Is it not reasonable to suppose that during the last few years many a young man of this state has had an ambition to employ his ability as a counsellor or his skill as an advocate crushed merely by the fact that there was no opportunity at hand for developing his talents?

Up to this time the student from our state who desired to pursue legal studies had to go to one of our sister states and the drift was naturally toward the eastern universities. After a stay there of three or four years there was great probability that the student would be attracted by the glamour of city life and settle down in some large office, thereby depriving his native state of his talents.

ought to take the lead in the professions as elsewhere.

Again, the Law School is needed to fit our young men for public life. It is well known that a majority of our legislators are lawyers by profession, to say nothing of our many other public officers who are necessarily lawyers. In such positions we want men who know Montana's people, are familiar with her needs and who look first of all to her interest and advancement. This, it seems to me, more than anything else, emphasizes the need for a Law School in Montana.

From such an institution should go forth the men who are to assist in framing and administering the laws and in shaping the policies which are to guide our state in the future. The writer has little sympathy with the protest that is constantly going up, to the effect that there is a surplus of lawyers. He will, therefore, devote no time to answering this objection but will simply say that it is expected that the lawyers which Montana produces will be a part of the working capital and not the surplus of the profession.

Advantages of School.

It is, perhaps, fitting after what has just been said to call attention to some of the advantages offered by the Montana State Law School for applying the need mentioned. It is not within the scope of this article to discuss in any detail the courses offered by the law school. There is necessarily considerable uniformity among law schools generally as to courses offered. Suffice it to say on this point that the Montana State Law School offers the courses and uses the methods of instruction approved by the leading law schools of the country. It is desired to discuss particularly three or four specific advantages offered.

In the first place, because of convenience of location, Montana men may attend the State Law School with much less expense than would be required if they had to go farther east. The saving in railway fare and tuition is a considerable item.

Secondly, the fact that the number of students is comparatively small makes it possible for each student to come into closer touch with the instructors and to get much more individual attention than would be possible in larger schools. This is a great advantage to students in any subject, but it is particularly true in the case of beginning law students.

the code which are in point. This feature of the work should appeal especially to those men who wish to practice law in Montana.

The fourth advantage is offered by the practice court work and the unusual attention given to the mode of conducting litigation in court. We have in the Law School a regularly organized court and the preparation of pleadings and trial of cases is carried on in the same manner as in the regular courts of the state.

The students are also required to prepare appeals and argue their cases before a supreme court composed of the instructors. After three years of practice in this kind of work it seems reasonable to believe that a student should be able to enter upon the practice of his profession with greater confidence because of his familiarity with the practical side of his work. In the larger law school it is simply impossible to give all the students an opportunity to take any considerable part in practice court work.

Weekly Talks.

Our work along this line is supplemented by talks from week to week by prominent lawyers and judges throughout the state, including justices of the Supreme Court. These talks are designed to acquaint the young men with some of the things that they must expect to meet in their practice.

The opportunity for practical experience on the part of the students has been largely increased because of the courtesy of the Supreme Court in permitting our students to have copies of Supreme Court decisions immediately after they are rendered, to which they prepare head notes for publication in the newspapers of the state. This will prove helpful not only to the students in training them in analysis of cases, but we hope it will be of some convenience to the profession generally.

These are some of the advantages which are offered to students of the Law School. That there was need for the establishment of the School is shown by the number and character of the students enrolled at the beginning of the year, and the interest and enthusiasm of the students we consider the best testimonial of the advantages offered. For its success in the future the Law School depends largely upon the co-operation of the citizens of the state, and we feel sure that the splendid support which has been given thus far will continue.

Judging from the progress made during the few months of its existence, it seems a conservative prophecy that in the no distant future the Montana State Law School will take rank with the leading institutions for legal education in the west.

POSITION OF LAW COLLEGE IN THE STATE AND NATION

Montana's Law Department Has Prominent Place in University and Promises to Advance Rapidly in Coming Year.

The fall of 1911 saw in the establishment of the law department, a decided step in the transition of the University of Montana from the rank of a college to that of a real university. In this humble "department," at present housed in the attic of University hall, we may see the beginning of what will some time bear the name "Montana Law School," and with various other graduate and professional colleges, will go to make up such a structure of advanced educational facilities as will insure to the University its proper rank among the great schools of the nation.

The law school began its existence with a faculty of three members, concerning whom more particular details are given elsewhere in this issue; a student body reaching an enrollment of 18 students, and a law library of 3,760 volumes. Of the students, four only were born and received their preliminary education in this state. Eight other states and several of the large educational institutions of the country are represented. For the first year, and on such short notice, this is certainly a remarkable showing.

Occupies Prominent Place.

During the year the law department has already come to occupy a prominent place in the University. In school affairs, in athletic and social events, and in general activity of all kinds, the law men have justified their reputation for a spirit of wide-awake industry and enthusiasm.

As time goes by, and as the numbers of students in the new department increase, we may expect that the position which the law school will occupy in the University will become more and more prominent. The men who come to the University to study law are almost without exception men who realize the responsibility of intelligence and honesty in public life. It is still easy to spend a year or two in a law office, to memorize the more important legal definitions and to suc-

cessfully pass the bar examinations. In this connection, Montana may well congratulate herself on the fact that she stands far ahead of other states in the requirements upon which she insists for admission to the bar of this state. But the number of college law students as compared to those of office-make, is becoming constantly greater in proportion to the grand total.

Naturally, these men who are willing to give three years to advanced studies, expect to take a more or less active part in public affairs. They are usually better acquainted with questions of public interest and are anxious to avail themselves of every possible opportunity to engage in college activities.

On Smaller Scale.

College activities are only municipal, state and national activities on a smaller scale. Graft and chicanery, or clean, honest methods in college politics are merely an advance notice of the kind of game the individuals will play on leaving the University. Many men who attain prominence in college never reach to any particular fame in the outside world. This may be attributed to several reasons. The four year limit of the college life of each individual removes, to a great extent, the severe competitions experienced in the real world and allows of more frequent recognition of the newly arriving recruits. Frequently, too, recognition is based on social prowess or athletic superiority, and of course, these activities are not held in such high esteem by the world generally.

There are two kinds of men who make good in college, however, who almost invariably continue their consistent performances through life. The first class consists of wide awake, industrious men, with a native talent for executive work, with a wide knowledge of general affairs, with a real appreciation of the obstacles to be met and with plenty of nerve to buck

Eastern Lawyers Predominate.

As a result we find the legal business of Montana done largely by lawyers who have come here from the east to take advantage of the opportunities here offered. It must be admitted that such an influx of strangers is the natural thing in any new state, but such a condition should not of necessity continue indefinitely. The young man of the east shows his good sense in coming to such a good country, and it must be borne in mind that it is not the purpose of this article to discourage immigration, but simply to call attention to the fact that the opportunity should be offered whereby a goodly per cent of our lawyers and other professional men might be distinctly Montana men.

There is room in Montana for us all, but the Montana man, being familiar with local conditions and interested in the welfare of his state,

against them. Those are usually the law men. Men with latent executive ability naturally look forward to some line of work requiring intelligent leadership. Naturally they adopt the law as the best school for this line of work. They do not necessarily contemplate the practice of the law. The field of culture work required of the pre-legal student is usually the broadest and most generally instructive course offered in the University. The law student naturally turns to debating and a consistent pursuit of this activity through a three or four years' course ought to give a more thorough and detailed appreciation of the vital public problems than a four years' course in economics. Usually only a small per cent of the graduates of a law school follow the law as a vocation. They may be found drawing the really large salaries paid in the country as business men, bankers, heads of trust companies and directors of corporations. The real business "entrepreneur," of whom our friends of the Economics department tell us, could not be better qualified for his exceedingly skillful class of work, than by a thorough legal training.

The Spineless Student.

The second class of men who are found forging to the front, both in college and in actual life, is the spineless but cunning individual, the man with no dangerous proclivities for leading, but with a nature admirably adapted to following, or even forging

ahead—on explicit directions. In college he is a man with no political views, with no strong characteristics to make him a leader among the students, but from his Freshman year he acquires the name of "safe." He is very admirably in doubt on any question until a majority opinion is formed and then he is always found with the majority. Along in his Junior year he gets a nice class appointment, and, if he is sufficiently "safe," he may even be boosted into a student body office. After arrival his acts are always characterized by their "safe" nature, especially as regards the particular bunch of miniature grafters who were successful in engaging his services early. In every large university, in every college generation there are always a few of these specimens, who are a puzzle to the general student body, and the only recourse of the college grafter.

In outside life we find the same type of men, of only mediocre ability, but of an essentially "safe" nature. Rarely are they chosen by the people, but usually reach the high places by the appointment route. It is even conceivable that the highest executive positions in the nation may be filled by men of this calibre.

Changing Conditions.

It is a hopeful sign, however, that the period of political indulgence which has allowed of the success of the second class of men, is passing,

and that as the "safe" man of mediocre character and ability drops out of sight, the strong, self-reliant, fearless man of the first class comes more and more into positions of public trust and confidence.

But, for better or worse, be it said to the credit of the law department, that the great majority of men of both kinds are found in the law schools of the universities, and that the increase of the first and the decrease of the second class will depend directly on the demand of the awakening public conscience. In the meantime, the leaders in college activities and the leaders in public affairs must inevitably be men who, above all others, are skilled in methods of government, in touch with public affairs, and capable of efficient, intelligent guidance of matters of public importance.

From now on the University of Montana may expect a strong group of men in her law department, influencing materially every line of student activity, and training for active work in the state. And from now on the state of Montana may expect to find, more and more as the years go by, that place after place, and office after office will come to be filled with men who have been trained in her own schools, with men peculiarly fitted for service in this state and in sympathetic touch with every need and every advantage of this great commonwealth. Here's to "Montana Law School."

LEAP YEAR IS OBSERVED

HOLIDAY IS SPRUNG ON FACULTY
AND GENERAL GOOD TIME
IS ORDER OF DAY.

KELLY IS DIRECTOR

Law Department Shows in the Lead in
Carrying Out Plans for Cele-
bration on February 29.

Leap year was observed by the students of the University on Thursday, February 29, with a big impromptu celebration on the campus and in the gymnasium. Classes were forgotten for the day and the professors were left to their own devices in class rooms while the students disported themselves in the ways which fancy indicated. The festivities were planned and carried out on the spur of the moment and as the result of a suggestion from some thoughtful youth who conceived the idea that the student's philosophy never contemplated that he should attend school on February 29. Everyone recognized the idea as an extremely happy thought—one filled with tremendous possibilities, both in the way of escaping professional supervision of a day and in the way of having a thoroughly good time in a novel manner.

Edward Patrick Kelly was the large and prevalent noise of the day, and again the versatility of the men of the Law Department was demonstrated. In the first place the Law Department was given the credit, not for conceiving the idea, for the Law men are devoted to their studies, but for planning the celebration once the idea was conceived. This credit the Law men, however, do not arrogate to themselves, but leave to the realm of speculation the question of who is responsible. But the Law men can be credited with the successful carrying out of the plans regardless of who made them. With Mr. Kelly as master of ceremonies the program was carried out in every particular as planned, and with much greater success than the most sanguine of those who planned the affair had anticipated.

Unquestionably the celebration of Leap Year day was one of the finest festivals which the University has seen for some time. Everybody in school joined in making the affair a success. The informal and spontaneous character of the celebration and the fact that it was doing something delightfully wicked brought the entire student body together as a unit. Cliques were eliminated and the lines of social cleavage, sometimes so galling, though always so entirely imaginary as to be ridiculous, faded away and the whole student body melted into one compact unit bent on one definite purpose—that of having a high old time in Parisian-like disregard of consequences and tomorrow's serious business. More spirit, more genuine enthusiasm more comradeship was manifested during the celebration of February 29 than has been manifested in any other affair into which the whole school has entered this year. It was very healthy; it is to be hoped that its salutary effect will not be momentary.

At 8 o'clock in the morning the men of the University began to gather at the main gate to the campus. There Director Kelly organized his band and an open air concert followed which soon brought the students together from every direction. From the Dormitory the girls marched out in lock-arm formations, presenting a solid front interference which threatened harm to anyone who should have the temerity to suggest scattering to classes. One hundred and fifty strong, the students—men and women, if you please—of the University marched around the campus single file, led by the intrepid Kelly with his willing but unharmonious corps of musicians. Prancing gaily in the lead and whirling his baton in defiance, Kelly was the incarnation of the spirit of the crowd.

The procession moved around the campus twice. The students sang and yelled. Then the marchers descended on the gymnasium and took possession. The piano was wheeled into the middle of the floor. Dudley Richards pounded out a merry rag on the keys and the dancing began.

Gladys Huffman succeeded Richards at the piano, and took charge of a three-piece orchestra, composed of herself, Bert Peppard at the drums and Mabel Lyden on the violin.

The second number was a dance. The third number was a waltz, so, at least, Kelly announced.

YOUNG LAWYERS WITH LAW SCHOOL TRAINING HAVE GREAT ADVANTAGES OVER THOSE WHO LEARN HOW IN AN OFFICE

Specialization is Being Demanded as Much in Law as in Other Professions---College Men are Best Suited to Take Right Kind of Leadership in Politics With Trained Men at Helm Ship of State Will be Well Guided.

With the passing of the "rule of thumb" in business, in science and in practically all of the phases of life, and the consequent rise into importance of training and thorough preparation for the work in hand, whether it be the ploughing of a field or the writing of a book, the importance of the educated man, the technical and professional school graduate, has been enormously increased. While it is true that much of the achievement which has made our nation what it is today, has been that of men who were without what is popularly supposed to be an education, although their real education, measured in terms of their training for actual achievement, must have been of a high order, still, modern conditions render it almost imperative, that this formal training be acquired for the simple reason that the number of persons so equipped has become so great as to leave at a tremendous disadvantage, anyone not so equipped.

Formerly various activities were considered beneath the dignity of the university man. Business, manufacture and indeed practically all lines of enterprise other than the few principal professions, were left to those who had but the rudiments of a technical education. The business of government was largely given over to those least fitted for the responsibilities of administration of law and if the professional man deigned to enter into the legislative branch of the government he became at once the instrument by means of which the politician accomplished his own selfish ends.

A New Era.

A new era has been inaugurated, in which education and special training imposes responsibilities to work out the problems presented by the public welfare, whether it be in the realm of professional life, business or manufacturing or that of the government of a nation in all its intricacies and ramifications.

In an address before the student body of this institution a few days ago, one of the most eminent jurists of the state pointed out the fact that the field of politics presents more advantages and opportunities to the college man of today than almost any other. If this be true of college men in general, surely it is doubly true of the young man who goes out of the law school and undertakes to win for himself a position in the community among the men of his profession.

It is undoubtedly true that among the various activities of life, those which are undergoing especial development or change, are the ones where

the greatest opportunities for new material are found, and among the various phases of our national life, it can scarcely be doubted that the one which is denominated our political life is at the present time undergoing changes and reformation of a scope and depth which is revolutionary in its import.

Bad and Good Sense.

Politics, in a broad sense, is the science of government and the politician is one who has made a study of the methods and machinery best suited to attaining the best results in government. Too often in the past, but happily a little less often in the present, the common acceptance of the term politics has been one diametrically opposed to the true idea and has been restricted to the sense of chicanery and corruption which has represented all that was undesirable in the development of our political system.

There came a time in the history of our government, in the days when Platt, Cannon, Hanna and others of their ilk had practically converted our democracy into a form of aristocracy where the rights of all were usurped by the few, when it was not uncommon for men of character and decency to stand aloof from participation in political activity, feeling that inasmuch as it was too impure for them to touch without contamination and that it was something utterly beyond their power to improve, that their true duty was to themselves in maintaining their own ideals and let the country be whatever the politicians chose to make it.

College Men Active.

That this was not the conclusion of the college men of the country as a whole, is conclusively shown by the changed conditions which have prevailed in the last decade or two. The last 15 or 20 years have seen more real reform in our system of government, at least in its practical outworking, than practically the whole of our history preceding. Better laws have been enacted, the old laws have been better enforced and a class of men have come into public life who would have been impossible under former conditions. Whereas a few years ago, a man was not allied to the party machine, apparently stood no more show of election than the proverbial conglomeration of snow in the region described by Dante, today no more promising guaranty of defeat is imaginable than that same affiliation. Whereas a few years ago, the people of the community applied to the ring at the convention and caucus to find out for whom they should vote or what form

of legislation they were to be permitted to enjoy, today the voice of the people is heard through the initiative, referendum and direct primary giving commands to those in executive office in tones which admit of no disobedience or equivocation.

These changes and betterments in political conditions were not brought about by the man who felt himself too clean to allow himself to be defiled by the impurities of politics. They were brought about by the men who were willing to get out into the forefront and fight and who had the education and training necessary to qualify them to fight intelligently and effectively. The La Follettes and Folkes, the Roosevelts and the Hughes of the modern political life are composed of the educated and thoughtful men of the time. Their careers show that the man who goes into the fight for principle heedless of the venom of the boss and the ring, not only have the satisfaction which comes of performing any known duty faithfully and well, but also have made for themselves careers which will make them immortal among the great ones of our national career.

Much To Be Done.

But what has been done toward making our system of government one actually controlled by the people, is only a beginning and it is this fact that makes politics so attractive a proposition for the young lawyer of today from every view-point. What has been done in part by the great leaders in political reform, remains to be amplified and carried into the minute avenues of our political life by the men occupying the positions of lesser importance and lesser influences in the interior, as we may say, of our political life. The shyster in politics, just as the shyster in the legal profession, is no longer wanted nor will he longer be tolerated. The trust imposed upon by the electors of a community must be faithfully discharged and the man who does it is the true and successful politician. The man who winks at violation of law, who encourages public immorality and corruption will fall under the ax of public opinion.

To the young lawyer, or the young man in any other calling in greater or lesser degree, who enters upon the arena of politics with a view of becoming a public servant in the best sense of the term and who purposes to insist upon a like spirit in others who are entrusted with public responsibilities, to him politics offers a most attractive and remunerative future.

In an exciting wrestling contest, Fred Thieme pinned Lucious Forbis' shoulders to the mat. An Indian club race between Fred Thieme and Carl Dickey resulted in a victory for Dickey and the violation of all the rules of the game.

There was more dancing.

If it hadn't been for Dan Connors, and if the Engineers hadn't been practicing for months, and if the Lawyers had had a chance to practice, and if the floor hadn't been so slippery, and if Kelly had been in form, and if the laws hadn't had such tough luck, there would have been a different tale to tell about the Engineer-Law basketball game, which resulted in a score of 26 to 12 in favor of anyone but the Laws. Anyhow, everybody yelled for the Engineers. Favoring the underdog is a national American trait.

Elaborate details of the game need not be recited. The Engineers won, and Connor and Sheedy did most of the work. Wiedman was the star of the Law team. The lineups were: Laws—Cameron, center; Wiedman and Kelly, forwards; Dornblaser and Miller, guards. Engineers—Connor, center; Fredell and Sheedy forwards; Klebe and Baker, guards.

There were several more dances and then Bill Vealey proposed an afternoon's excursion to Bonner with a dance at the hall in Bonner. The proposal made a hit; everyone was desperately willing to do anything. At 2 o'clock in the afternoon 150 students left the University in two chartered cars for Bonner. Dancing was the order at Bonner. Another large delegation arrived at 4 o'clock. During the afternoon, Kelly entertained with several recitations and with the assistance of Mildred Ingalls, Maude McCullough

DOINGS IN MOOT COURT

OFFICERS ELECTED BY STUDENTS
AND SEVERAL CASES ARE
TRIED IN REALISTIC WAY.

FIVE ON HONOR ROLL

Burglary Case is the Most Sensational
Trial of the Year—Jury Disagrees
and Then Acquits.

Early in the year the students organized the practice of a moot court, known as the district court of the first judicial district of the University of Montana. It was organized under Dean Clayberg's direction at a meeting at Dean Ballantine's house, and the following officers were chosen:

Clerk of the district court—Arthur O'Rourke.

County attorney—R. Justin Miller.

Assistant county attorney—H. Meagher.

County clerk and recorder—Coburn Maddox.

Sheriff—P. L. Dornblaser.

Justice of the peace—B. R. Cole.

Constable—J. O. Safford.

People vs. Plunger.

Before the justices of the supreme court of the University of Montana, Judge J. B. Clayberg, A. N. Whitlock, H. W. Ballantine and six others, the cases of the People versus Plunger was argued early in the year. Plunger was indicted for embezzlement and convicted in the lower court and an appeal was taken on the ground that the evidence did not support the crime charged. Briefs were submitted by both sides and oral argument was made by Attorneys A. W. O'Rourke and H. P. Underwood for the appellant, and A. B. Hoblitt and LaRue Smith for the respondent, the state. The conviction was affirmed by the court in a majority opinion written by Justice Whitlock and concurred in by six other justices, two justices dissenting.

The Burglary Case.

The trial of the cases against C. F. Dobson, Kenneth Wolfe and George Armitage, indicted for the burglary of the Y. M. C. A. house on November 4, 1911, was the most interesting proceeding before the court. The three defendants were tried jointly in December and the jury disagreed, the vote being 10 for conviction and two for acquittal. The prisoners were prosecuted by County Attorneys Miller and Meagher, assisted by E. Patrick Kelly. B. R. Cole, LaRue Smith and Carl B. Cameron conducted the defense. Ronald Higgins, Missoula lawyer, sat on the bench at the first trial.

Second Trial.

Before the second trial in the middle of January, both sides discovered new evidence strengthening their case. Judge Clayberg, dean of the school, sat at the second trial, which was conducted in every way like a real district court case. During the interim between the trials, an indictment had also been filed against O. D. Speer, but at the opening of the second trial the defense asked for separate trials for the defendants and the state elected to try C. F. Dobson. The evidence in the case was sensational on both sides, and the arguments to the jury were interesting. Forest rangers were secured to act as jurors. The jury returned a verdict of "not guilty" after 20 minutes' deliberation. Dobson and the other prisoners were discharged. In the second trial of the case Maurice Meagher and E. Patrick Kelly were the prosecutors and La Rue Smith and Carl E. Cameron defended Dobson.

Honor Roll.

Law students who were given places on the University honor roll for the last semester were: R. Justin Miller, '13; B. R. Cole, '13; A. B. Hoblitt, '13; Arthur O'Rourke, '14, and LaRue Smith, '14.

and Miss Mathewson staged several of the songs of the memorable High Jinx Minstrel show produced by the girls. At 5 o'clock in the evening the students returned to the sheltering walls of the University and the fond supervision of watchful and solicitous tutors.

The girls should be careful to pin up their rats as carefully on top as they do on the sides. Remember the Lawyers look down on the passing promenaders from the library window on the third floor.

THE W. W. DIXON MEMORIAL LAW LIBRARY; MAN FOR WHOM NAMED AND ITS FOUNDER

The successful launching of the Montana State Law School the past year is due in no small degree to the generosity and public spirit of Mrs. W. W. Dixon, widow of the late Judge W. W. Dixon, in establishing to his memory the W. W. Dixon Memorial Library. This library is composed in part of the private law library of Judge Dixon, in part of the library of the late Colonel T. C. Marshall and other books purchased with funds to the extent of \$2,000 which Mrs. Dixon liberally donated for the purpose. Mrs. Dixon has expressed her intention of making further donations to this Memorial Library until it shall become one of the most complete and finely-equipped libraries in the whole state.

There is printed herewith a copy of the book plate, which is inserted in all the acquisitions of this library and which was designed by Miss Eloise Knowles of the department of fine arts of the University of Montana. Along with a suggestion of river, mountain and pine characteristic of the state, there are shown a teacher and student of law, the former intended to suggest slightly the lineaments of Judge Dixon, and to symbolize the fact that through the library he is still here teaching the young men of the state. By her far-sighted generosity, Mrs. Dixon has undertaken to render to Montana public service like to that rendered the great universities of California by Mrs. Stanford, Mrs. Hearst, Mrs. Boalt and Mrs. Sather. As Judge Dixon was a pioneer in the upbuilding of the state, so Mrs. Dixon is a pioneer among the benefactors of Montana's university, and is setting an example to other public-spirited and wealthy citizens whose moral and material support is greatly needed to make this University fulfill its high destiny and reach its full growth and stature.

We are fortunate in being able to secure from Judge Clayberg a sketch of the life of Judge Dixon, largely based on personal acquaintance with him, and to learn almost at first hand to know the man to whose memory our library is dedicated.

HENRY W. BALLANTINE,
Acting Dean.

(By Judge John B. Clayberg, Honorary Dean of the Law School.)

William Wirt Dixon was born in Brooklyn, New York, on June 3, 1838. While a boy, his family moved to Iowa, where he was admitted to the bar in 1858. He practiced his profession in that state and in Tennessee and Arkansas until the year 1862, when he crossed the plains to California. He soon returned as far east as Nevada, and then he came to Helena, and later to Deer Lodge, Montana. In 1877 he located in the Black Hills, Dakota, and finally in 1881 he removed to Butte, Montana. During all of his peregrinations he continued the practice of his profession. He retired from active business in 1907 because of failing health, and from that date until his death, lived for the most of the time in Los Angeles, California, where he died November 13, 1910, in the 73rd year of his age.

In 1874 Judge Dixon was married at Deer Lodge, Montana, to Miss Ida Wilcox, who survives him. Four children blessed this union, three of them dying at an early age, and the fourth, a son, living until he had attained his majority.

Member of Both Conventions.

Judge Dixon was a member of both constitutional conventions of the State of Montana. In the first, as a representative from the county of Deer Lodge; in the last, as a representative for the county of Silver Bow. He was chairman of the judicial committee in the convention which formulated our present constitution. In 1890 he was elected as representative to congress from Montana, and there performed many valuable services for his constituency; probably the most notable of which was securing the enactment of the so-called mineral land classification bill against the most vigorous opposition of the Northern Pacific Railway Company.

He was always prominent in political life, and was one of the leaders of the Democratic party of Montana. He had thousands of warm personal friends in the state, among whom was the late Marcus Daly, who employed him as his personal counsel for many years, and fully relied upon him in the transaction of immense business ventures. Until Judge Dixon's retirement from practice, he was the chief counsel for the Anaconda and Amalgamated companies. For several years prior to 1890 he was president of the

Montana Bar Association, and during his lifetime that Association had no man more able or worthy as a leader or member.

One of Leaders.

At the date of the arrival of the writer in Montana (1884), Judge Dixon was recognized as one of the Nestors of the Montana Bar. Among the leading legal lights of Montana in early days, including Judge Hiram Knowles, Warren Toole, Colonel W. G. Sanders, Walter T. Chadwick, Thomas L. Napton, W. E. Cullen, William Chumiso, "Wash" Stapleton, "Jacky" Robinson, Judge W. Y. Pemberton, A. N. Woolfolk, W. H. Claggett, A. P. Mayhew, Samuel Word and Frank Woody, none shone more brightly than Judge Dixon.

With these able and experienced lawyers Judge Dixon had to contend. His character as a man was at once appreciated, and his ability and fairness as a lawyer at once recognized.

Serious duties devolved upon these pioneer lawyers, and their discharge was fraught with difficulty and danger. The people of Montana were few in number; the towns very much isolated; transportation was of the crudest kind; crime was rampant; legal questions were new and important, and law books were scarce. Yet they entered upon the discharge of the duties of their profession with supreme courage and built this great commonwealth of which we are so proud, laying its foundations deep and permanent, upon natural justice and equity. Posterity should forever honor their names and be grateful for their work.

Fair and Honorable.

It was the writer's good fortune to become associated with Judge Dixon in important litigation, which afforded opportunity to learn and appreciate his ability and character as a lawyer. In consultation he never assumed that his positions were always correct or superior to those suggested by others. He always hesitated to urge positions suggested by himself and willingly receded from them when, from the views of his associates, it appeared that other positions were more available to protect the rights of his clients. If, by chance, any suggestion was made of conduct which, under any circumstances might be considered unprofessional or dishonorable, Judge Dixon would be the first to speak in righteous wrath against its adoption. In the division of labor he was always willing to assume any branch, no matter how difficult or how disagreeable, and when the time for use arrived, he was always ready with potent results of a research which extended back to fundamental principles. He illustrated his breadth as a great lawyer in uniformly refusing so to use the work of another that the credit thereof should redound to anyone except to him who had performed the labor.

From the Other Side.

The writer was also employed against Judge Dixon in many important legal controversies, which gave opportunity to learn and appreciate his honesty, courtesy and fairness as shown to attorneys contending against him. He was never over-technical in his relations with them, but always generous and willing to save them unnecessary labor in matters which did not concern the merits of the case, as by entering into stipulations with opposing counsel, in order that the gist of the action might be arrived at speedily and immaterial issues entirely eliminated. He was always insistent upon the rights of his clients, but in the trial of the case never vexatiously compelled technical proof of facts which he knew to be true, nor advanced any legal propositions which were not fairly debatable on reason or authority. His arguments were always clean-cut, logical and convincing.

He was interested in young lawyers and uniformly gave them every possible opportunity to show their powers. He was always anxious and willing to aid and assist them by advice, and encourage them in every way possible.

Judge Dixon's character as a lawyer and a citizen is equally worthy of emulation. Honest and upright in all things, helpful to those who deserved assistance, forgetful of his own pleasure, comfort or convenience, devoted to the advancement of the state and a champion of the just rights of his clients. All in all, he was a man of whom the people of Montana are rightfully proud.

After Montana was admitted to the

Union and the State University had been established, he frequently talked to the writer with reference to the necessity of the establishment of a law department. It was always his theory that no institution could become a university until it gave equal advantages to all the citizens of the state to become educated in their chosen professions. In many conversations he announced his willingness to devote a certain portion of his time to lecturing and aiding in the work of carrying on a Law School. The writer remembers meeting Judge Dixon in Butte about the time he was giving up his practice on account of his health, and recalls his request that if a Law Department were organized in connection with the University of Montana during his lifetime, he should be made acquainted with that fact, as he was desirous of doing something in its favor. Unfortunately, a Divine Providence interfered and took him from us before the Law Department was authorized or organized.

Through the generosity of his devoted wife, the students of the Law Department of the University of Montana are permitted to use the "tools" by which Judge Dixon made himself so prominent as a lawyer. Mrs. Dixon has further contributed a large sum toward making the library complete and up to date. Every student in using these works and in studying them, should always remember the use to which they were put by Judge Dixon and should be stimulated by the noble example of his life.

Mrs. Dixon, in giving to the Law Department of the University of Montana her husband's library and adding generous contributions for the purpose of increasing its availability, has erected an enduring monument to his memory which will never crumble and which will continue to be honored by future generations of lawyers in Montana as the years roll on.

SOME ASPECTS OF LAW IN OUR NATIONAL LIFE

ROOSEVELT'S PROPOSAL FOR RE- CALL OF JUDICIAL DECISIONS RATHER THAN JUDICIARY.

The importance of distinguishing between the nature of enacted and un-enacted law, and of ascertaining the proper scope and province of each, has been emphasized by the late James C. Carter in his work "Law, Its Origin, Growth, and Development." Indeed, the function of legislation as an expression of the will of the people and the thwarting of the popular will by the judicial veto, is being made a leading issue of the present progressive movement in politics.

The authoritative expression of the sovereign will of the people through constitutions, statutes, and legislative acts, is necessary for many purposes, not all of them by any means the making of law. The city, state, and nation are great corporations with vast property and business interests, as well as governmental functions. The legislature of a state is its board of directors. The annual or biennial "session laws" are filled principally not with law, but with minutes of public corporate business relating to schools and education, prisons, poor houses, highways and public works, public lands, taxation, and other collective activities. Such acts and measures are not "law" any more than the resolutions of boards of directors of private corporations in the transaction of their particular business are law.

Political Organization.

One prominent function of legislation in America is the political organization of the people into various public corporations, national, state and municipal. In England, political organization has been largely left to custom, "the conventions of the constitution," as Professor Dicey calls them in his "Law of the Constitution." Our constitutions and statutes attempt to provide a complete political mechanism in detail like the articles of association or charter of a private corporation; but it may be remarked, in passing, that the most dynamic and essential parts of our political machinery have thus far existed outside the law and the constitutions, as witness the political parties with their irresponsible conventions, only now being domesticated and constitutionalized by direct nominations. The far-sighted framers of our constitutions deserve credit for putting in most of the cogs, wheels and works of the watch except the main spring to put it in operation.

(Continued on Page 4.)

Florence Steam Laundry

PAUL DORNBLASER, Student Agent

THE PALACE HOTEL

CAFE AND GRILL

THE BEST IN THE WEST

PRICES WITHIN THE REACH OF ALL

The Walk-Over Shoe Store

Have solved the Footwear problem for Men and Women all over the country. They're full of Style, Correct in Shape, Perfect Fitting, and they stand the test of wear.

Let your next pair be Walk-Overs.

\$3.50, \$4.00, 4.50, 5.00

316 Higgins Avenue

The Western Montana National Bank

Capital, \$200,000.00

Surplus Fund, 50,000.00

G. A. WOLF, President
J. H. T. RYMAN, Cashier

THE SOUTH SIDE GROCERS Barber & Marshall

The Stuff for

Lunches and Spreads

CANDY, CAKES, FRUITS

Student Trade Solicited

Missoula Trust and Savings Bank

CAPITAL \$200,000.00

SURPLUS 50,000.00

Officers:

J. M. Keith, President; S. J. Coffee, Vice President; A. R. Jacobs, Cashier; R. C. Giddings, Assistant Cashier.

Three per cent Interest Paid on Savings Deposits.

Union Market

Meets your meat needs.

See our fine display of poultry.

BOTH PHONES

Bell 117

Ind. 431

130-132 Higgins Avenue

Your attention is called to the fact that I strive to please the Varsity students.

Grand Theatre Pop Corn Wagon
C. H. MILLER, Prop.

Missoula Laundry Co.

W. CONWAY, Student Agent

Heimbach's REST ROOM Easy Chairs Good Cigars

J. D. Rowland

JEWELER AND OPTICIAN

Repairing a Specialty

114 East Main St. Missoula, Mont.

"WE DO NOT DISAPPOINT."
THE

Butte Dying and Cleaning Works

CLEANING, PRESSING AND
REPAIRING

Plumes, Kid Gloves, Furs and
Evening Gowns a Specialty, French
Dry Cleaning Process

JOIN THE PRESSING CLUB

Paul Dornblaser, Student Agt.
Phones—Ind. 1688, Bell 500 Red,
508 S. Higgins Ave. Missoula

The New Mexico Agricultural College has recently inaugurated a "Farmers' Week" with the object of uplifting the farmer, his home and farm. The first meeting proved such a success that it will probably be made an annual affair.

LUCY & SONS Furniture and Carpets

Get Fixed Up at MILLER'S

for all occasions. If you appear up to date.

GEO. MILLER, Barber
Under First National Bank

Owen Kelley

KEY WEST AND DOMESTIC
CIGARS

POOL and BILLIARDS

Pipes, Tobacco and Cigarettes

Agents for Johnson's Sweet Chocolates. "Meet me at Kelly's."

THE FIRST NATIONAL BANK

Capital and Surplus \$400,000.00

A Savings Department in
Connection.

F. S. LUSK, Pres. F. H. ELMORE,
Vice Pres., E. J. NEWLON, Cash.,
H. S. HOLT, Asst. Cash.

J. A. Cavander

GENERAL ELECTRIC SUPPLIES
Construction and Repairs, Fixtures,
Bells, Batteries, Etc.

Both Ph 318 Higgins Ave.

SOCIETY

COBURN MADDIX.....Editor

A Retrospect and a Survey.

It's leap year.
In "1810 the women chased the men"; and they are still doing it, but in a more brazen manner than in the good old days. Though the dames of that da dd cozen the gileless male into wedlock, they were more ladylike about it. Of course, men of that day were not as wise to the feminine wiles as the average present day man.
The husking bee and dances indulged in were deceptive. The hoop skirt and poke bonnet, for example, were hypocritical institutions. The hoop skirt hid the figure and the poke bonnet the face. The square dances, though very pretty, were not so fascinating or enlightening as present day Terpsichorean vogues, such as the "turkey trot," the "bunny hug," the "grizzly bear" and "the Eoston."
The hobble skirt and sheath gowns of the present day tend to enlighten the young men and to entice him from the guileless state of his ancestors, for it is a well known fact that "seeing is believing." The old time girls were satisfied to play "bridge" in the manner and form of allowing themselves to be toted across a stream, but the present day girl's game of "bridge" is detrimental to the health because it keeps them up late and the man of today is busy as a result damming the stream of debts so incurred.
In the olden days the men could stroll afield with a fair damsel with impunity, but now such is not the case. It is never wise to go alone and unarmed with one of the so-called weaker sex, for many a good man has forgotten that it was leap year when

he started out and has had his future ruined.

Now for a little comparison of the former and present customs of society from an economic point of view. The old time girls managed the domestic pecuniary concerns with frugality and saved their liege lords much money thereby; deeming it rare sport, forsooth, to spend five bones within the market place and upon only those things sensible, while the present day maiden trips blithely forth in unhygienic footgear and burns up 25 cents' worth of gasoline in wather's machine in order to go over town merely to be seen, and incidentally to purchase five cents' worth of chewing gum, disdaining to take a little necessary exercise. The majority of present day girls are becoming a leisure-loving, extravagant class of women. Some of them won't do their own hair and when we note the gaily colored squaw bands inclosing their Parisian rats we should remember "it was not like this in the olden days," and let it be remembered, too, that the personification of art is simplicity. (Was it Shakespeare or Eugene Field who said that?)

In conclusion let me say that society demands that a woman be the jewel in the setting of domestic happiness and not a mere means by which a man may show his financial standing by their artificial manners and attire, therefore, if the present day, so-called society woman would spend more time over the kitchen table than the card table and demanded less of the man and expected to do more themselves, men would be more willing to marry and the necessity of leap year would be done away with.

A COMMUNICATION

In last week's issue of the Kaimin appeared an article reviewing the decision of the Supreme Court in the Beck case, involving the capacity of public institutions such as the State University, to take bequests under a will. In connection therewith I wish to say that the article in question, exclusive of headlines, was written by me at the request of the Editor, and that I desire to assume full responsibility for it. The Law Faculty did not even know of the contemplated publication of the story until after the issue was off the press.

No member of the Law Department, either faculty or student, was in any way responsible for the headlines or subheads appearing in connection with the article, or for the article, which appeared in the Daily Missoulian of same date.

The Law Department regrets the implication contained in the headlines that the faculty disagreed in any way with the Attorney General, and, while some method of finding a different result in the case was hoped for, no criticism of the Supreme Court or of the Attorney General was in any way intended.

On reading the complete petition for a rehearing in the case, as it came from the Attorney General's office, which petition has been subsequently denied, I am satisfied that the points on which the petition was based, were not the same as those suggested in the head notes, as issued by the Law Department, and that any suggestion contained in the article to that effect, or to the effect that the Attorney General accepted any assistance from the law department, was unwarranted.

The Court's refusal to grant a rehearing finally disposes of the case, and it now becomes necessary that legislation should be secured to place the state on an equality with aliens so as to allow public institutions such as the University to receive benefactions and charitable bequests from public-spirited citizens.

R. JUSTIN MILLER.

SOME ASPECTS OF LAW.

(Continued from Page 3.)

The function of legislation in matters of private right is a subordinate one, namely, to remedy defects in the common law and to adapt it to changes of time and circumstances. (Munn v. Illinois, 94 U. S. 113, 134.) The courts ceaselessly evolve the common law, which is derived from the dictates of justice between man and man rather than from the commands of government, and which may be described as justice, reason and private right grad-

ually worked into shape and form by the consistent following of precedent. The law of family and property, of contracts and torts, has been little affected, even to this day, by legislation, which may be said to be a mere "fringe" on the body of private law.

Code Idea a Delusion.

In Montana we have a system of codes, adopted substantially from California, in which we attempt to state at least the outlines of the whole law, substantive and adjective, civil and penal, private and political. The idea of having the whole body of common law reduced to concise and harmonious statutory form which shall leave nothing but to apply the plain provisions of the universal statute to all cases which may arise, is a beautiful one, but it is a delusion. The common law, as found in the volumes of reported cases, is just as important in Montana or California as in any state without codes. The application of the principles of justice to the facts may usually be better made without the hindrance of awkward code provisions, as witness the recent Beck will case, in which it was held that the Montana code does not permit the making of wills in favor of the University or other public institutions of the state, although aliens are allowed to inherit. It is true, however, that certain well-developed branches of the common law have been satisfactorily codified by skillful draftsmen, particularly in the case of Negotiable Instruments Act and the Sales Act, which are mostly declaratory of pre-existing case law.

Legislation's Highest Function.

The highest function of legislation is in the exercise of what is termed the police power, which aims directly to secure and promote the public welfare by such measures as the Sherman Anti-Trust law, the Inter-State Commerce law, Child Labor laws, laws regulating hours of labor and methods of payment of laborers, Tenement House laws, Employers' Liability laws, and so forth. Our economic structure is essentially individualistic and selfish. The complicated mechanism of labor and capital is the accidental result of the unregulated play of individualism in the acquisition of private property. The courts in formulating the common law of property have not been charged with the duty of asserting community interests or evolving an ideal industrial and economic state.

It is painfully obvious that a few irresponsible individuals have without restraint under laissez faire policies been permitted to concentrate in their own hands financial power over the whole people. The consumer is heavily taxed on the necessities of life and

(Continued on Page 5.)

TERSELY TOLD TOTALS

NEWS OF WEEK CONDENSED INTO A NUTSHELL—MONTANA MOURNS, MOSTLY.

At Bozeman—Varsity, 4; Montana Agricultural College, 31.
At Butte—Varsity, 11; Montana School of Mines, 39.
At Helena—Varsity, 22; Helena, 40.

As a preliminary to the Butte-Missoula High School basketball game at the University gymnasium on Friday night, the University girls' basketball team played a game with the High School girls' team, which resulted in a score of 6 to 2 in favor of the High School girls. Francis Page showed herself a classy basketeer, but got few opportunities to make baskets. The game between Butte and Missoula High Schools resulted 29 to 20 in favor of Missoula.

The Montana Agricultural College debating team, composed of Horace S. Davis and Willard E. Atkins, defeated the University of Montana debaters, Carl C. Dickey and Evelyn Stephenson, in the first annual debate between the institutes in assembly hall last Friday evening. The decision was given to the visitors by a vote of 2 to 1, the judges being George F. Downer, of Butte; G. A. Ketcham, of Helena, and H. J. Burleigh, of Plains. The question for debate was: "Resolved, That all inter-state corporations should be compelled to take out federal charters." Montana supported the negative of the question.

ON A FROLIC OF HIS OWN.

'Twas a crisp Montana morning and a whole crowd was there, A-waiting at the synagogue to hear Kentucky's prayer.
And as the hims and aint-hims came floatin' through the door
Our own dear Whit came strollin' in, and beat it up the floor.

"Where did it come from?" someone asked. "Missoula," howled the mob.

"He came to teach us how to sing and how to pray and sob."
Then with the pastor, hand in hand, up to the pulpit went
The prodigy of "Old Kentuck" on sermonizing bent.

He tuk his seat upon the stand; the natives looked him o'er;
He smole a smile the like of which they'd never seen before.
The deacons up and passed their plates; the money rattled in,
With buttons, junk, a few old slugs and fancy chunks of tin.

Then Pastor Jenks presented him. Our "pride," began the spiel,
And o'er all those Red Lodge faces a smile began to steal.
He told them all just how to live and how at length to die
And how to get to heaven when they're dead ones bye and bye.

He told them of his boyhood days and of his early dreams.
His mother had him spotted for a preacher, so it seems.
He was learned in the Bible, but though he knew it all,
He chose the law profession and ditched the holy call.

The time drew near, the daily mail would soon be on its way
And Whit had not yet written his letter for that day.
He dragged his sermon to a close; he raised his hands and then
The entire congregation groaned out a glad "Amen."

He left the stand, the choir began to chant to mournful tune
And all joined in most soulfully except Miss Laura Kunn.
For Laura had her eye on Whit. She said: "There is my man.
I'll marry him by Christmas," but just then Whitty ran.

He said: "This is no place for me; what would my girlie think
If I should marry this one. It would put me on the blink."
From Red Lodge Whitty beat it; he hit the trail for home,
Fair Laura tried to catch him, but her Dicky Bird had flown.

Quite foxily Whit pranced around next morning at the "U."
But the studes were there to greet him, and the dainty co-eds, too.
He found it wasn't healthy to play a double part
And to mix a man's religion with matters of his heart.

POPULAR MUSIC 15c per copy
Hoyt-Dickinson Piano Co.
223 Higgins Avenue Missoula, Montana

LUMBER DEPARTMENT OF THE

Anaconda Copper Mining Co.

Successors to the Big Blackfoot Milling Company

Manufacturers of

WESTERN PINE AND LARCH LUMBER

Mills Located at Bonner, Hamilton and St. Regis, Montana

General Sales Office Located at Bonner, Mont.

Box Shooks, Lath, Moldings, Sash, Doors, Mill Work, Etc.

**Talking Parrots
Hartz Mountain
Canaries, Etc.**

Gold Fish in all varieties

A complete line of aquarium supplies

M. L. GULDEN

135 East Main St.



Help Yourself

BY HELPING The Missoulian, you help yourself. Do you not think that The Missoulian is a good advertisement for the city? By extending your patronage to The Missoulian you make it possible to make this newspaper a little better all the time. It is a home institution. It is boosting continually for your home town. That means that it is helping your business. You can reciprocate by sending to The Missoulian your order for job printing. You need printing often. The Missoulian will give you satisfaction—that is guaranteed. There is also the matter of advertising your business; you can do it in no other way as well as in The Missoulian; a Missoulian ad will place you in the list of progressive men in a progressive town. You must have The Missoulian to read if you want to get the news. However, if you spend your money with The Missoulian, you get value received and are, at the same time, helping yourself, helping your town and helping your neighbors. Send for a Missoulian man today and give him an order. You'll be glad you did it.

A. D. PRICE

Florence Hotel Block Phone 175

High School and University Pen-nants, Parker's and Moore's Non-Leakable Fountain Pens.

Periodicals of All Kinds, Post Cards and Stationery.

Cigars and Tobacco.

Form the habit—go to Price's.

For University Coeds

New Spring Suits, New Silk Waists, Lingerie Dresses, are open for your inspection.



The Metropole

Our Specialty
Is Fine Hair Cutting

Thompson & Marlenee

Corner Basement at Nonpareil
140 North Higgins Avenue

CHILI and TAMALE PARLOR

Tables For Ladies
OPEN TILL 2 A. M.

J. B. PIGG

134 West Cedar

Cornell has instituted a new "cut" system, under which no man shall be excused without the sanction of medical advisers who have been appointed by the faculty to safeguard the students.



HINKY DINK.....Editor

A review of the year in things legal presents an interesting array of events and justifies the expectation that the Law Department of the University will prove itself to be in every sense of the word a good investment. It is interesting to note the versatility of the small group who came together for this first year's work and the various lines of activity in which they have engaged. And first it is appropriate that we should give due credit to Professor A. N. Whitlock, who has not only occupied the junior chair of law with credit to himself and to the Law Department, but has conscientiously given his time and attention to coaching the basketball team.

Football.

Two of our men played through the football season on the Varsity team, and the presence of Paul Logan Dornblaser, '14, and Edward Patrick Kelly, '14, in no small degree accounted for the success of our team. Several others who registered in the Law Department were members of the squad, and were prevented by one misfortune or another from occupying positions on the Varsity.

During the early winter months, too, we organized a strong, fighting basketball team, and enlivened the preliminary season with some exceptionally scientific exhibitions. M. A. Meagher, '14, and R. H. Wiedman, '14, who were certain of positions on the Varsity quintet, were disqualified by Meagher's leaving school and Wiedman's inability to get his advanced scholarship requirements into shape in time. We cannot but feel that the result of the season's games would have been materially changed if these two men had been on the team.

Spring Athletics.

Several baseball enthusiasts are included among our number and would, no doubt, be a strong factor in a Varsity baseball team. The future in track is also rendered more promising by the addition of several men capable of point winning, who are numbered among the lawyers. C. E. Cameron, '14, the present track captain, and A. W. Rourke, '12, another one of Montana's veterans, are both barristers.

Quite naturally we can boast of several men skilled in the art of public speaking. Among these D. C. Warren, '11, three times a Varsity debater, ranks first. Others who have distinguished themselves on the platform for Montana are A. W. O'Rourke, '12, and Carl Dickey, '14, the latter of whom will commence his law studies next fall. Mr. Dickey was one of our representatives on the team which debated Bozeman last Friday night, and the Law Department will be strengthened by his presence next year. We have also others who have taken a more or less prominent part in this line of activities at other universities. Several of the Law men tried out for places on the team which will debate with the Washington Agricultural College team in April. In the face of keen competition, R. J. Miller, '11, was fortunate enough to be chosen to one of the positions. Several of the advocates of Blackstone will be seen in action about the time of the tryout for the Oratorical contest, and it is safe to predict that the orators from the other institutions of the state will probably have an opportunity to test the steel of a legally trained speaker.

Dramatics.

In the line of dramatics it has already thoroughly demonstrated that the study of the law is no impediment to the most appreciative interpretation of the drama. Anyone who saw the performance of Mr. Edward P. Kelly of Big Timber, Montana, as leading man in the extravaganza staged by the women of the University, last semester, could not but be impressed by the good fortune of the Law Department in possessing such a talented Thespian. Mr. Kelly will appear again in the spring in one of the difficult leading roles of another play which is being coached under the efficient management of Miss Mabel Smith.

Modesty alone prevents mention of the social conquests of some of the leading members of the local bar, but we cannot forbear this repetition of rumors to the effect that a lawyer's ball is in process of germination and that in the future the University public may expect even more startling events than those of the past.

FACULTY OF LAW SCHOOL.

(Continued From Page One.)

edge as a practitioner, supplemented by his ability as a professor and author, has given him splendid qualifications with which to enter into his difficult position here. He is an advocate of certain reforms in the case system, particularly the study of certain subjects by the "Problem Method," and in the brief period which it has been in use, it has proved remarkably successful. During the past few months Professor Ballantine has prepared an article on "Martial Law" which has been accepted for publication by the Columbia Law Review and will appear shortly.

The junior member of the Law School faculty is Professor A. Newton Whitlock. Professor Whitlock was born in Madison County, Kentucky, in 1885. His undergraduate course was taken at the University of Kentucky, graduating with the class of 1906. The following year was spent as principal of the Caldwell High School, and from there he returned to his Alma Mater for a period of two years, serving there as assistant professor of English. He received his master's degree from Kentucky in 1908, and entered Harvard that year for the law course. He was graduated last June, and spent the summer months practicing law in New York City, being connected with the firm of Stover & Hall. Although he has been graduated but a short time, Professor Whitlock's gifted talents in the law have already come to light. The past few months he has prepared an article on "Trade Secrets" which has been accepted and is now being printed by the Central Law Journal, one of the leading law journals of the country. Like Professor Ballantine, he is very enthusiastic in his new work, and his keen interest in the welfare of the University, coupled with his ability as a professor, has won for him a high place in the estimation and regard of his students and fellow workers.

The Bureau of Printing does the work that please.

REMARKABLE GROWTH OF THE LAW SCHOOL

(Continued From Page One.)

rooms. In the original W. W. Dixon Memorial Law Library, the article says, there were 3,700 volumes. The Dixon Library of the Law College now contains 30,000 volumes. Pictures of the spacious library and the elegant class and lecture rooms in the new W. A. Clark Memorial Law building are published and they appear in marked contrast to the pictures of the law quarters of eight years ago.

One of the most interesting pictures in the paper is a four-column snapshot picture of a scene in the recent annual rush between the Laws and Medics of the University of Montana. The snap shot was taken at the moment of the impact of the contending forces and shows Laws and Medics locked in mortal combat. Another smaller picture portrays the victory of the Laws and the flight of the Medics, who were outnumbered some 20 men.

There is also a picture of the plans for the new Medical College building, for which excavation was started last week, and which is being erected by the Montana Medical Association. The building is to be located about 100 feet west of the Carnegie Library building and directly across the campus from the J. J. Hill Engineering College building. Although there is considerable rivalry between the Laws and the Medics, who now have their school in the west wing of the Greenough Science Hall, the Laws are glad to see the Medics realize their hopes of having a building of their own.

Since the establishment of the Law College in 1911 it has grown from a College of 18 students to a College of 250. There are now eight members of the Law College faculty as against three when it was originally started. Of the three only two devoted their entire time to the Law College. The growth of the College has been rapid. Each year the annual law edition of the Kalmin containing resumes of the growth of the department have shown that it was making marvelous ad-

vances. So large did the attendance at the Law School become in 1916, and so crowded for library space was the department, which then occupied the entire third and part of the second floor of the main hall, that it was found necessary to move the school into the old Library building, which was vacated for the new Carnegie Library building. The Law College remained in the old Library for two years and then the millionaire former Montana senator, W. A. Clark, announced the establishment of a fund of \$500,000 for the erection and maintenance of the new Law College, which was completed a year ago.

SOME ASPECTS OF LAW.

(Continued from Page 4.)

the laborer receives only a small share of the product of his hands from the capitalist who employs him. The regulation of the management of capital and the conduct of business in the interest of the community is a matter which must find expression, not in the common law, but in legislation.

Reform Is Possible.

Enormous numbers of people do no productive work at all because they are too well off, great numbers are out of work, great numbers, owing to bad inheritance and training, are incapable of work, an enormous amount of work actually done is the overlapping production of competitive trade, and much is wasted on Dreadnoughts and military burdens.

Even so, there is food, shelter and clothing enough of a sort for everyone. As Mr. H. G. Wells points out, it is not utopian to look forward to a more spacious social system than any which has ever existed, in which there will be an almost universal freedom, health, happiness and well being and which will contain the seeds of a still greater future.

The extent to which legislation may go in asserting that society is a co-operative (although involuntary) association in which workers and consumers have their place as well as captains of industry and in reconciling private property and business with public welfare is, under our constitutions, a question for the courts. Under the "due-process-of-law" clause of the Fifth and Fourteenth Amendments to the Federal Constitution and the similar provisions of the state constitutions, the courts have decided that they are made the guardians of vested interests, and that what was in Magna Charta a restriction on the arbitrary exercise of royal authority over the individual becomes with us a far-reaching restriction on legislative power, a restraint on the expression of the will of the people in favor of corporations and big business. The bills of rights of our constitutions have thus been metamorphosed from a palladium of the rights of the people into a straight-jacket to control an unruly patient, a guaranty of absolute property rights and individualism in business antagonistic to social justice and to the progress of civilization, excluding us from the possibility of reforms that may well be worked out in all other free and representative governments.

Due Process of Law.

The courts have never undertaken to define precisely what is meant by the vague phrase "due process of law," but in general it means that property and liberty cannot be taken away or bridged except by the due exercise of the powers of government, legislative, executive or judicial. What is a due exercise of the legislative regulating power over business or vested interests for the public benefit depends on the view of the court as to what are reasonable and proper objects of legislation and what are reasonable means to accomplish those objects. If the legislative discretion goes beyond the economic or sociological theories of the court it is condemned as confiscation. According to the Supreme Court of the United States, the police power is not limited merely to promoting the health, safety and morals of the state, but extends to all great public needs and may be put forth in aid of what is sanctioned by usage or held by the prevailing morality or by a strong and preponderant opinion, to be necessary to the well being of society. (Noble Bank vs. Haskell, 219 U. S. 104; per Holmes, J.)

In New York, however, a narrower view of the "due-process-of-law" clause has been taken. In the recent case of Ives vs. South Buffalo Railway Co., 94 N. E. 41, it was held that a provision for employer's liability in the absence of negligence is not justified under the police power and amounts to a deprivation of property without due process of law. This case is a striking example of the tendency of many courts to overthrow statutes and

BIJOU

Missoula's Picture Palace

EXCLUSIVELY HIGH-CLASS LICENSED PICTURES

It's the quality—that's why we lead.

Best Pictures
Best Music
Best Songs

Change of program Sunday, Monday, Wednesday and Friday.

Art Work, Posters, Pictures, Frames.

SIMONS PAINT COMPANY

Glasswork of All Kinds.

312 N. Higgins Ave.

The Minute Lunch Room

FOR GOOD COFFEE

Best Lunch House in the City.

509 North Higgins Avenue

W. E. WHEELER, Prop.

A. G. SPALDING AND BROS.

are the largest manufacturers in the world of OFFICIAL EQUIPMENT for all athletic sports and pastimes.

The Spalding Trade-Mark is known throughout the world as a GUARANTEE OF QUALITY

A. G. SPALDING & BROS.

1616 Arapahoe St. Denver

Green & Ellinghouse

Livery, Cabs and Transfer

Autos to Rent

Both Phones: Bell 38; Ind. 438.

MISSOULA, MONTANA.

University Text Books and Supplies of all Kinds

Drawing instruments imported direct from manufacturers. Better instruments for less money. Call and see goods and get prices.

LISTER'S

114 E. Main St. Missoula, Mont.

EAT

Try our home baked pies and good coffee.

Tip Top Lunch

313 Higgins Avenue

"Lowney's"

—or—

"Samoset's"

Ah, Both!

South Side Pharmacy

Cor. Higgins and So. 3rd

We Have All Kinds of Coal

Perry Coal Company

"HOW IS YOUR COAL PILE?"

110 E. Cedar St. Both Phones 662

BACK TO THE NEWS GAME.

I'm back to the inky dope-sheet, back to the newspaper game, Back to the stink of the pastepot and the use and abuse of the same; Back to the rush and hurry; back to the steady grind; Pounding the mill early and late, and the rest of the work of that kind. Hobnobbing with politicians, questioning engineers, Sticking around till some chap loosens up and offers to buy the beers; Taking cigars when they're offered, boosting strong for the state; Learnedly discussing the chances for crops, and getting to bed awful late; Digging up dope on the scandals that threaten our city's fair name; Working hard and enjoying the rich lust of life—for 'Im back to the newspaper game.

You may talk all you like of the practice of law, the chances it offers for fame; But once you've been in it, you can't get away from the lure of the newspaper game. You may be a poor cub reporter, whose name never gets in the sheet; But no money can buy the joy which is yours when you pull off a scoop or a beat. The world may applaud the lawyer for winning a difficult case, But if he falls of a hand from the newspaper stand, he feels he has fallen from grace. Ubiquitous, omniscient, all-seeing, with a power which men love and fear, The newspaper guys all men recognize and bow to where'er they appear. So I'm glad to lay down the law books and hie me away from the same, To roll up my sleeves, grab pencil and shears and go back to the newspaper game.



Missoula's Finest Clothes Shop

The Missoula Mercantile Co. is the recognized headquarters of Missoula's representative dressers who demand the best there is in clothes.

The stocks of this shop comprise among others the famous

Society Brand Clothes

For Young Men and Men who stay young

The most stylish clothes in the world



ROLL OF STUDENTS AT MONTANA COLLEGE OF LAW FOR YEAR 1911-1912.

O. R. Anderson, Missouri State Normal School, '11; Law, '14.
Carl E. Cameron, Montana, '13; Law, '14.
Eddie Corbin, Montana, '06; Law, special.
Paul L. Dornblaser, '14.
A. B. Hoblitt, Hamlin University, St. Cloud Normal School, Minnesota, '09; Law, '13.
E. P. Kelly, Dartmouth, '09; Law, '14.
C. F. Maddox, Bordentown Military Institute, '10; Law, '14.
M. A. Meagher, Gonzaga College, '11; Law, '15.
F. R. Merrill, Minnesota, '13; Law, '14.
A. W. O'Rourke, Montana, '12; Law, '14.
La Rue Smith, Wisconsin, '13; Law, '14.
E. G. Smith, Englewood High School, Chicago; Law, '14.
J. O. Safford, Harvard University, '05; Law, '14.
B. R. Cole, Oberlin College, '02; Law, '13.
R. Justin Miller, Stanford, '11; Law, '13.
H. P. Underwood, Northwestern, '13; Law, '14.
D. C. Warren, Montana, '12.
Ray Wiedman, Stanford, '13; Law, '14.

When you want something nifty in the way of programs, invitation announcements, score cards, etc., you should call at the Bureau of Printing.

Sometimes lawyers—some lawyers—act as if they had been admitted to the wrong bar.

Merry Widow Kisses

Marshmallows dipped in Caramel and wrapped, they'r scrumdicious
50 cents per pound

The Nonpareil Confectionery

To University Students

If you would shop economically, yet with all the dignity that comes from shopping at a high grade store, you will be drawn with irresistible force to this store.

IT IS MISSOULA'S BEST STORE
IT IS MISSOULA'S ECONOMY CENTER

Donohue's
ALWAYS RELIABLE

THE YOUNG MAN—the College man, if you will—is the true student of personality in dress. He studies dress just as he studies the element of social ethics so that he may assert the proper degree of self-respect to establish a position of consequence. He dresses well, not primarily because others may like him better for it, but because he likes himself better for it. He believes that a healthy, symmetrical body deserves intelligent care, and he sees that it gets it. Therefore, your well-dressed man demands clothes that will lend distinction to him, clothes of refinement, of character, of individuality and of quality.

THE L SYSTEM Clothes, by their pattern designing and color treatments, are obviously the young man's clothes. They appeal to his understanding of becomingness. They are character clothes, reflecting personality, individuality, youthful refinement, distinctive quality.

THE L SYSTEM Clothes are built upon a principle, and because they meet every requirement of an established fashion desire, they may well be called "CORRECTLY DIFFERENT CLOTHES FOR YOUNG MEN."

"B & A"

The Store for Young Men

Higgins at Cedar



"L" SYSTEM SUITS FOR SPRING
\$15.00 to \$40.00
ESPECIALLY STRONG AT \$25.00

Phones: Bell, 338; Ind., 571.

THE Missoula Press

"Quality Printers"

Printing Engraving
Special Rates to Students

110 West Spruce St.

CASES FILED.

During the past week many actions have been started in the District Court of the First Judicial District of the University of Montana. Among the cases filed were the following.

D. D. Richards v. Case Automobile Co.
D. D. Richards has brought a suit in equity for an injunction against the Case Automobile Company. He recites in his complaint that the manufacture of such machine is detrimental to his interests and mental welfare and he asks the Court to enjoin said Company from the sale of any of said machines in the City of Missoula, County of Missoula, State of Montana. He further asks that all such machines in said County and State be enjoined from further operation until June 15, 1912.

A. W. O'Rourke v. Bitter Root Irrigation Company.

A. W. O'Rourke has petitioned the Court for an order to compel the Bitter Root Land & Irrigation Company to extend their ditch to the rear porch of the Z. N. House and to establish a landing at the west entrance of the Dormitory. He further asks that the defendant be compelled to operate a canal boat for the accommodation of passengers. Mr. O'Rourke alleges that his interests require a rapid and direct means of transportation to and from the valley.

H. Turner v. S. W. Johnson.

An action has been filed by H. Turner against S. W. Johnson in which the rights of the litigants under the patent laws is involved. In his complaint the plaintiff alleges "that said defendant has infringed on his dance, the 'slow Boston.'" He further says that said defendant has adopted, copied and used without right certain steps which plaintiff had patented in said dance. He asks the Court for an injunction prohibiting the defendant from using the dance and sues for the amount of 50 cents.

It cost Harvard University \$127,945 to maintain its department of athletics last year—about \$425 a day during the ten months through which the college season lasts. At Yale the appropriations for the various lines of football, baseball, track and rowing were \$100,000 in round figures.

Hammond Addition

Near the University. By far the swellest residence district in the state of Montana. Prices moderate. Terms easy.

South Missoula Land Co.

FRANK P. KEITH
Secretary

THAT AWFUL HABIT.

Students who use the vile and obnoxious weed with which Walter Raleigh cursed the world will throw away their cigar stumps, choke off the cigarettes and smash their pipes when they read the following sensational article taken from the London Lancet, a leading medical journal:

"Smoking is to be deprecated because the pungency of the pyrogenous products contained in tobacco smoke renders the buccal mucosa insensitive to alimentary stimulation; in fact, their effect is to dull or abolish the olfacto-gustatory reflex."

This is certainly a revelation to smokers, and if appreciated to its fullest extent, University students will immediately stop the habit.

Unused cigars will be received at the Kaimin office.

STUDE'S CONCEPTION OF THE IDEAL.

When the last instructor has beat it;
When all the professors have hied,
With their text-books antiquated,
To the land of the ossified,
We students shall rest, and we'll need it—
Lie down for an epoch or two
'Til the back sleep we've lost in bucking
Is regained—then we'll start in anew.

Then every stude shall be happy.
We shall sit in Morris chairs.
Smokes, drinks and "eats" shall be gratis
Also seats at the shows—down stairs.
Unto each an "A" shall be given,
No text-books shall be required,
Recitations shall last but a minute,
So that no one will ever get tired.

Lessons and books shall not plague us,
No tutors shall oversee,
And no one shall crib for quizzes.
Nor labor to get a degree.
But for pure, undefiled love of learning,
(You may believe this—I won't)
We shall recite whenever we wish to
And cut classes whenever we don't.

The Olympian games, to be held next year in Stockholm, Sweden, will be participated in by teams from all over the world. A committee is now engaged in selecting the American team which will be officially recognized as representing the United States.

A recent ruling at the University of Pennsylvania excludes from intercollegiate athletics all students except those

registered in the Liberal Arts Department.

Dartmouth College has a gymnasium so large that a full-sized baseball diamond was laid out on its floor last spring, and on it the men practiced daily.

According to statistics recently published by the Yale Daily News the life of an athlete is emphatically longer

than that of the average individual who is without athletic training.

A scholarship paying \$8,500 a year—the highest sum paid anywhere in the world—is held by Henry Kohmann, at the University of Kansas.

Fraternities and interfraternity clubs at the University of Minnesota have begun a movement to abolish the giving of flowers at the Junior ball.